

REMARKS

Initially, in the Office Action dated March 25, 2004, the Examiner rejects claims 1-5 under 35 U.S.C. §112, second paragraph. Claims 1-5 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,147,035 (Hartman). Claims 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,795,029 (Campbell et al.). Claim 8 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include the subject matter of the base claim and any intervening claims.

By the present response, Applicant has amended claims 1, 6 and 7 to further clarify the invention. Claims 1-8 remain pending in the present application.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

35 U.S.C. §112 Rejections

Claims 1-5 have been rejected under 35 U.S.C. §112, second paragraph. Applicant has amended the claims of the present application to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hartman. Applicant has discussed the deficiencies of Hartman in Applicant's

previously-filed response and reassert all arguments submitted in this response.

Applicant provides the following additional remarks.

Regarding claim 1, Applicant submits that Hartman does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a packaging, the packaging holding an article or a set of articles, where the packaging includes a plastic member with a protruding part, the protruding part allowing for disposal of a first article or a first set of articles being held by the packaging, or a perforation in the plastic member, or a foldable part of the plastic member, the foldable part holding a second article in a fixed position relative to the first article or first set of articles being held by the packaging. As was noted in Applicant's previously filed response, Hartman merely discloses a package with a body and a cover for closing and opening the package. When the cover is folded down, there is ready access to the articles contained in the package (see Abstract and col. 3, lines 3-48). This is not a plastic member with a protruding part the protruding part allowing for disposal of a first article or a first set of articles being held by the packaging or a foldable part of the plastic member holding a second article in a fixed position relative to the first article, as recited in the claims of the present application. Hartman discloses body 6 as being accessible to articles, but does not disclose or suggest anything related to cover 26 holding an article. Cover 26 is simply a cover for body 6. Hartman merely discloses a reclosable package that includes a body and a cover.

Regarding claims 2-5, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons

noted regarding this independent claim. For example, Hartman does not disclose or suggest the foldable part covering the second article, and part of the first article, or the first article being a cover to a communication terminal and the second article being a keymat to said cover.

Accordingly, Applicant submits that Hartman does not disclose or suggest the limitations in the combination of each of claims 1-5 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Campbell et al. Applicant has discussed the deficiencies of Campbell et al. in Applicant's previously filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 6 and 7, Applicant submits that Campbell et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a packaging or method for holding an article that includes a plastic member with a protruding part for disposing a first article or first set of articles, a foldable part of the plastic member, the foldable part for holding a second article in a fixed position relative to the first article, or holding the second article in a fixed position relative to the first article by a foldable part of the packaging where parts of the second article are visible while in the fixed position relative to the first article. As has been noted previously, Campbell et al. merely discloses a container for holding shoes. Campbell et al. does not disclose or suggest a plastic member for disposing a first

article or first set of articles and a foldable part of the plastic member for holding a second article in a fixed position relative to the first article, as disclosed in the claims of the present application. Campbell et al. merely discloses a base and a cover which are hingedly attached together forming a container for holding shoes.

Moreover, the Examiner asserts that Applicant's claimed first article is disclosed by Campbell et al.'s shoe and Applicant's claimed second article in disclosed in Campbell et al. by its second shoe. Campbell et al. is simply a shoe display and storage device. This is not a method of holding a second article in a position relative to a first article in a packaging for a communication terminal, or packing a first article or a first set of articles in a packaging for a communication terminal, as recited in the claims of the present application. Campbell et al. does not disclose or suggest anything related to a communication terminal. Campbell et al. is simply a container for holding shoes.

Accordingly, Applicant submits that Campbell et al. does not disclose or suggest the limitations in the combination of each of claims 6 and 7 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-8 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 10/085,006

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1030.41308X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600